Attachment B



Jesse Archer G&J Heavy Haul, Inc. 10810 Avenue 184 Tulare, CA 93274 (559) 684-1943 jesse.archer@gjheavyhaul.com

October 18, 2024

VIA E-MAIL
County of Fresno
Department of Public Works and Planning
Design Division, Sixth Floor
2220 Tulare Street
Fresno, CA 93721
DesignServices@fresnocountyca.gov

Re: Response to Bid Protest Filed by Wood Bros., Inc. - Elkhorn Recharge Facility Project

Dear Sir or Madam,

I am writing on behalf of G&J Heavy Haul, the apparent low-bidder on the Elkhorn Recharge Facility Project. We have reviewed the protest filed by Wood Bros., Inc. and believe it is speculative, frivolous, and over-reaching. As such, we respectfully request that the County dismiss the protest and proceed with recognizing G&J's bid as responsive.

Wood Bros. Protest Is Unfounded and Misleading

Wood Bros. argues that G&J's failure to list subcontractors for specialty pipe and concrete structure work constitutes a fatal defect. However, this claim is unfounded for the following reasons:

Bid Documents Are Silent on Specialty License Requirements:

The bid documents for this project do not specify the necessity for a specialty license to perform any of the work contained in the plans. The requirement for bid responsiveness is a C-12 license, which G&J holds. The precedent set in Dez Construction v. Calexico Unified School District (2005 WL 2234658) shows that when project documents are ambiguous, it is the awarding authority's discretion to determine the license requirements for the project. In Dez, the contractor was awarded the project because the work that did not fall under the contractor's primary license was deemed incidental and allowed to be self-performed. Similarly, the pipework and minor concrete structures involved in this project are incidental to the primary scope, and G&J is fully qualified to perform the work under its C-12 license.

G&J Listed All Required Subcontractors Accurately:

G&J listed the subcontractors it plans to use to perform work exceeding 0.5% of the total contract value, in accordance with Public Contract Code § 4104. All information regarding these subcontractors was provided completely and accurately in compliance with the project specifications. The claim by Wood Bros. that G&J omitted critical subcontractor information is unfounded. In contrast, Wood Bros. has failed to properly provide accurate license numbers and DIR numbers for its own subcontractors, such as Kroeker Inc. and King Pump and Well. Their non-compliance is evidenced by missing or incorrect information available through the DIR website. Screenshots of this information are attached for your review.

Subcontractor Rules and Future Compliance:

Wood Bros. is attempting to claim that potential future subcontracting violations, which may or may not occur, should determine the responsiveness of G&J's bid. This argument is speculative and irrelevant to the current bid evaluation process. Importantly, failure to list subcontractors does not automatically render a bid non-responsive. According to Proposal 8(a) in the bid documents, "Failure to List Subcontractors as directed may render the bid non-responsive, or may result in a penalty...". This provision clearly leaves room for discretion, allowing the County to assess the situation. Furthermore, Contract Specification 2-1.46 states that the Department retains full authority to determine whether a bid is non-responsive. In this case, Wood Bros. is overstepping by attempting to make this determination on behalf of the County.

Additionally, under Public Contract Code § 4106, G&J has declared its intent to self-perform the storm drainage pipe and minor headwall work, as these tasks are incidental to the primary scope of excavating and grading the recharge basin and facilities. G&J is fully licensed to perform this work under its C-12 license.

Additionally, the removal of asbestos cement pipe will be handled by a licensed subcontractor, and since the value of this work is less than 0.5% of the total contract value, it does not require listing in the bid documents per Public Contract Code § 4104.

Comparable Case Supporting G&J's Position

As referenced earlier, the Dez Construction case serves as a persuasive example where the court allowed a contractor to perform work without an additional specialty license because the project documents did not clearly require one. Similarly, G&J's C-12 license is sufficient for the incidental work related to this project, and any attempt to impose additional requirements post-bid would be arbitrary and capricious.

Conclusion

Wood Bros.' protest lacks merit and should not influence the County's decision-making. G&J Heavy Haul's bid is fully responsive, and any claims to the contrary are speculative. We urge Fresno County to dismiss Wood Bros.' protest and non-responsive bid and affirm G&J Heavy Haul as the lowest responsible bidder for the Elkhorn Recharge Facility Project. This decision will ensure that the County benefits from the most cost-effective solution, aligned with the project's goals and specifications.

We appreciate your time and consideration in this matter. Should you need any further information or clarification, please feel free to contact me directly.

Sincerely,

Jesse Archer

Responsible Managing Officer

G&J Heavy Haul

jesse.archer@gjheavyhaul.com

SUBCONTRACT	ror: KRC Safety O. Inc.		
Business Addre	ess: 7821 W. Sundyview Auc Visalia CA 93291		
Class 🔼 Lice	ense No. <u>507950</u> DIR Registration No <u>1000004730</u>		
Item No. or Des	scription of Work: Traffic Control -3		
Dollar Amount	OR Percentage of Total Bid 2.090		
Email Address:	Kyle tisthammer (559) 732-0393		
	Out Santa		
SUBCONTRACT			
	Business Address: 35500 S. Welty Rd Vernalis CR 95385		
Class C22 License No. 905631 DIR Registration No. 100008301			
Item No. or Description of Work: Transite Vipe Kenwal -10			
Dollar AmountOR Percentage of Total BidO			
Email Address:	brianna de cvecorp. com		
OUDCONTRACT	or: Dave Christian Construction Co., Inc.		
	ss: 29631Sunnyside Fresno CA 93727		
	ense No.377698 DIR Registration No. 100002062		
	cription of Work: Asphut -17		
incorrectly. License unt_ listed is also expired.			
ess:	Jose are olu (559) 255-1222		
SUBCONTRACT	OR: Krocker Inc		
Business Address: 427 S Chestnut AVE FIESNO CA 93725			
1	Class C57 License No. US 1800 DIR Registration No. 1000000000000000000000000000000000000		
Item No. or Description of Work: 21-22			
Dollar Amount OP Paraentage of Total Rid 0.5%			
Email Address:	(559) 237-37104 Jeff Kracker		
SUBCONTRACT	SUBCONTRACTOR:		
Business Addres	ss:		
Class Lice	Class License No DIR Registration No		
Item No. or Des	cription of Work:		
Dollar Amount _	OR Percentage of Total Bid		
Email Address:			

Home | Online Services | License Details

Contractor's License Detail for License # 681866

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

CSLB complaint disclosure is restricted by law (<u>B&P 7124.6</u>) If this entity is subject to public complaint disclosure click on link that will appear below for more information. Click <u>here</u> for a definition of disclosable actions.

Only construction related civil judgments reported to CSLB are disclosed (B&P 7071.17).

Arbitrations are not listed unless the contractor fails to comply with the terms.

Due to workload, there may be relevant information that has not yet been entered into the board's license database.

Business Information

R A K CONSTRUCTION
P O BOX 9280
WHITTIER, CA 90604-9280
Business Phone Number:(818) 607-8287

Entity Sole Ownership Issue Date 12/10/1993 Expire Date 12/31/1999

License Status

This license is expired and not able to contract at this time.

Classifications

C-8 - CONCRETE

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with SURETY COMPANY OF THE PACIFIC.

Bond Number: 1019497

Bond Amount: \$7,500

Effective Date: 12/14/1995

Cancellation Date: 01/02/2000

Contractor's Bond History

Workers' Compensation

This license is exempt from having workers compensation insurance; they certified that they have no employees at this time.

Effective Date: 11/18/1993

Expire Date: None

Personnel List

Is this your license? Does any of the information need to be corrected/updated?

Find out how to make changes to your license info

1100 C (11.00 1)	7
SUBCONTRACTOR: KKC Salety O. Inc.	
Business Address: 7821 W. Sunnyview Auc Visalia CA 93291	
Class A License No. 507950 DIR Registration No 100004730	
Item No. or Description of Work: Traffic Control -3	
Dollar AmountOR Percentage of Total Bid	
Email Address: Kyle HSHAMMer (559) 732-0393	
CVE Domolibus	
SUBCONTRACTOR: CVE Demolition	
Business Address: 35500 S. Welty Rd Vernalis UR95385	İ
Class C12 License No. 905031 DIR Registration No. 100006301	1
Item No. or Description of Work: Transite Vipe Renwal -10	
Dollar AmountOR Percentage of Total BidO	
Email Address: Drianna de CVECOrp. Com	
SUBCONTRACTOR: Dave Christian Construction Co. Business Address: A943NSWMySide Fresho (A 9375) Item No. or Description of Work: ASPNUT -17 Dollar Amount OR Percentage of Total Bid O.570 Email Address: JOSE Care old (559) 255-1222 SUBCONTRACTOR: KNOKEN INC Business Address: Hu27 S Chestian No. 1000000000000000000000000000000000000	er
SUBCONTRACTOR:	
Business Address:	
Class License No DIR Registration No	
Item No. or Description of Work:	
Dollar AmountOR Percentage of Total Bid	
Email Address:	

10/16/24, 10:37 AM KROEKER INC





eCPR Public Search Log in

Public Works Support

Contractors

Projects

Register

Home > Contractor > KROEKER INC

KROEKER INC

Contractor

Contractor business email

trevettab@kroekerinc.com

Contractor c ation eff date

2024-07-01

Contractor first name

Trevetta

Contractor mailing city

FRESNO

10/16/24, 10:37 AM KROEKER INC

Contractor mailing state	
CA	
Contractor mailing zip	
93725	
Contractor physical city	
FRESNO	
Contractor physical state	
CA	
Contractor physical zip	
93725	
Contractor certify date	
2024-06-11	
Contractor company type	
Corporation	
Contractor craft legacy	
Cement Mason; Operating Engineer; Labore	
Contractor craft snow	
Contractor c ation exp date	
2025-06-30	
Contractor date deactivated	
Contractor dba name	
KROEKER INC	

Contractor entity number C1682433 Contractor ID Listed number is 1000006246 10000006246 Contractor last name **Boswell** Contractor mailing address2 Contractor physical address1 **4627 SOUTH CHESTNUT AVE** Contractor physical address2 Contractor source **SNOW** Contractor wc cert date 2023-10-01 Contractor wc exp date 2024-10-01 Contractor wc policy number C55552083 Contractor wc selection Insured by carrier Contractor legal entity name

10/16/24, 10:37 AM KROEKER INC

KROEKER INC
Contractor mailing address1

4627 SOUTH CHESTNUT AVE

Contractor wc carrier

KROEKER INC

✓ Checked

Terms & Conditions

Privacy Policy

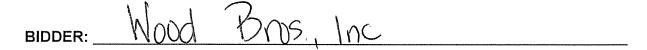
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SUBCONTRACTORS:

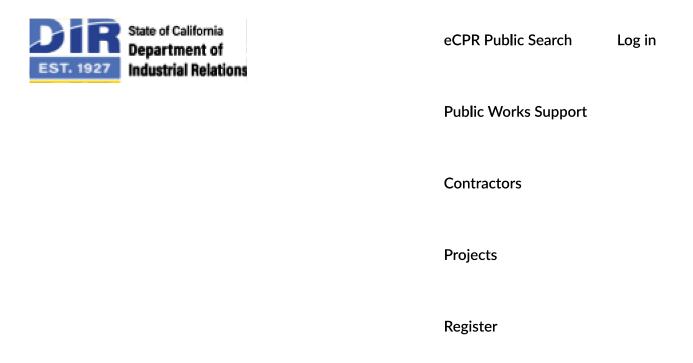
The following named subcontractor(s) will perform with labor, or otherwise render services to the general contractor in or about the construction of the work or improvement in an amount in excess of one-half of one percent of the total bid presented herewith. Each listed subcontractor's name, location of business and description of work, and both their contractor's license number and public works contractor registration number, issued pursuant to Section 1725.5 of the Labor Code, are REQUIRED, by Section 4104 of the California Public Contract Code, to be submitted prior to bid opening. (The "location of business" must specify the city in which the subcontractor's business is located, and the state if other than California.) All other requested information shall be submitted, either with the bid or within 24 hours after bid opening.

Please fill out as completely as possible when submitting your bid. Use subcontractor's business name style as registered with the License Board.

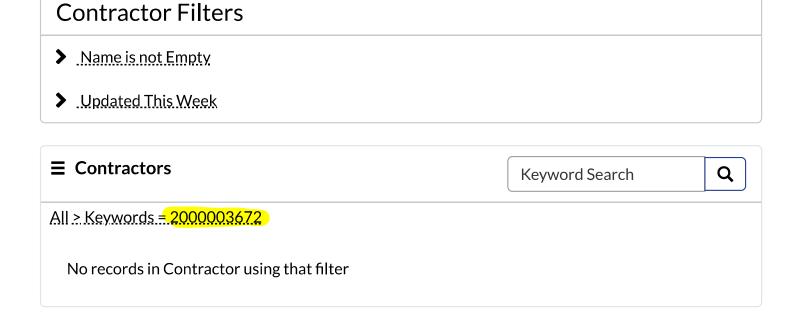
FAILURE TO LIST SUBCONTRACTORS AS DIRECTED MAY RENDER THE BID NON-RESPONSIVE, OR MAY RESULT IN ASSESSMENT OF A PENALTY AGAINST THE BIDDER IN ACCORDANCE WITH SECTION 4110 OF THE CALIFORNIA PUBLIC CONTRACT CODE.

SUBCONTRACTOR: KING PUMP + Well		
Business Address: 13824 W. lacey Blud Ste B Harford CA93230		
Class <u>C57</u> License No. 1 0 58 2 2 3 DIR Registration No. 2000003 6 7 3		
Item No. or Description of Work: WellS - 2		
Dollar Amount OR Percentage of Total Bid 1.7%		
Email Address: YVMNe KING 559-775-2070		
DIR number not found		
SUBCONTRACTOR: Champi Enterprises Inc. on DIR database		
Business Address: 415 North Fenth Ave, Huntivar ar 1000		
Class A License No. 410859 DIR Registration No 100008431		
Item No. or Description of Work: Fence -19420		
Dollar AmountOR Percentage of Total Bid <u>3.7 り</u> 。		
Email Address: Chuck @champifence.com		





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